

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV394

**CALVIN R. LUCKEY, and wife PEGGY)
G. LUCKEY, *et al.*,)**

**)
This document pertains to:)
THEODORE BALLARD, JR.; FLOYD)
J. BOWMAN; WILLIE J. BURT, JR.;)
CLEMENT KEENE, and wife)
BARBARA JO DEATHERAGE KEENE;))
JUDY HORNE MARTIN, Individually)
and as Executrix of the Estate of)
Ray E. Martin, Deceased; GENE A.)
SHIRES, and wife HELEN SHIRES;)
JACKSON J. SMITH, and wife)
CAROLYN S. SMITH; ROGER)
FRANKLIN THOMAS, and wife ELLA)
SHINN THOMAS; DONNIE BAILEY;)
RAYMOND L. MOORE; JIMMY W.)
NEAL, SR., and wife DOREEN K.)
NEAL; JOHN A. NOBLE, III, and wife)
WENDY ROBIN HASTINGS NOBLE;)
ROGER D. SMITH, and wife MARGIE)
P. SMITH; WILLIAM E. SMITH;)
RONNER BYERS, and wife FRANCES)
W. BYERS; RICHARD ALLEN JONES,)
and wife JUDY ANN FINK JONES;)
TONY E. ROGERS, and wife)
PATRICIA LaDONNE C. ROGERS;)
KENNETH G. SMITH, and wife)
MARGARET SMITH; DAVID R.)
TURNER; DAVID R. WHITESIDE, SR.,)
and wife LINDA L. WHITESIDE; and)
SYLVIA L. JOHNSON, Executrix of)**

the Estate of Clarence Luckey, Sr.,)
 Deceased,)
)
 Plaintiffs,)
)
 Vs.)
)
 CLEAVER BROOKS; CROWN CORK)
 & SEAL COMPANY, INC.; GEORGIA-)
 PACIFIC CORPORATION;)
 NORTH BROTHERS, INC.;)
 OWENS-ILLINOIS, INC.; RAPID)
 AMERICAN CORPORATION, and)
 D. B. RILEY CORPORATION,)
)
 Defendants.)
)
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ORDER

THIS MATTER is before the Court on the joint motion of the specific
 Plaintiffs captioned above and the Defendant Owens-Illinois, Inc., to
 dismiss their claims against said Defendant.

For the reasons stated in the motion,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is
ALLOWED, and the claims of Sylvia L. Johnson, Executrix of the Estate of
 Clarence Luckey, Sr., Deceased; Judy Horne Martin, Individually and as
 Executrix of the Estate of Ray E. Martin, Deceased; Jimmy W. Neal, Sr.,
 and wife Doreen K. Neal; and Jackson J. Smith, and wife Carolyn S. Smith,

against the Defendant Owens-Illinois, Inc., are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims of Plaintiffs Donnie Bailey; Theodore Ballard, Jr.; Floyd J. Bowman; Willie J. Burt, Jr.; Ronner Byers, and wife Frances W. Byers; Richard Allen Jones, and wife Judy Ann Fink Jones; Clement Keene, and wife Barbara Jo Deatherage Keene; Raymond L. Moore; John A. Noble, III, and wife Wendy Robin Hastings Noble; Tony E. Rogers, and wife Patricia LaDonne C. Rogers; Gene A. Shires, and wife Helen Shires; Kenneth G. Smith, and wife Margaret Smith; Roger D. Smith, and wife Margie P. Smith; William E. Smith; Roger Franklin Thomas, and wife Ella Shinn Thomas; David R. Turner; and David R. Whiteside, Sr., and wife Linda L. Whiteside, against the Defendant Owens-Illinois, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: February 21, 2007



Lacy H. Thornburg
United States District Judge

